

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
SummitMedia, LLC,)	File No. EB-FIELDWR-17-00025652
Antenna Structure Registrant)	
ASR# 1006367)	
)	
Kunia, Hawaii)	
)	

NOTICE OF VIOLATION

Released: December 28, 2017

By the Los Angeles Regional Office, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the rules of the Federal Communications Commission¹ to SummitMedia, LLC, owner of antenna structure #1006367 in Kunia, Hawaii. Pursuant to Section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Commission’s Enforcement Bureau (Bureau) from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On November 17, 2017, an agent of the Bureau’s Honolulu Office (Honolulu Office) received a call from the Federal Aviation Administration’s (FAA) Honolulu Service Operations Center (SOC) reporting a tower top beacon outage on antenna structure #1006367 located on Kunia Road in Waipahu, Hawaii, 4.4 miles north of the H-1 Highway, with the following violations:

- a. 47 C.F.R. § 17.48: “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part:
(a) Shall report immediately to the FAA, by means acceptable to the FAA, any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. If the lights cannot be repaired within the FAA's Notices to Airmen (NOTAM) period, the owner shall notify the FAA to extend the outage date and report a return-to-service date.” The antenna structure registration for antenna structure #1006367 requires a top flashing beacon and at least two steady burning lights at the mid-level. The Wheeler Army Base Operations in Wahiawa, Hawaii received aircraft reports of the tower top beacon outage and initiated a NOTAM with the FAA Flight Service Station. The tower owner did not initiate the NOTAM. An agent from the Honolulu Office subsequently confirmed the lighting outage reported by the FAA.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

- b. 47 CFR § 17.56: “Replacing or repairing of lights, automatic indicators or automatic control or alarm systems shall be accomplished as soon as practicable.”

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, SummitMedia, LLC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission’s rules, we direct SummitMedia, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of SummitMedia, LLC, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File Number specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Regional Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

6. This Notice shall be sent to SummitMedia, LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).